

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ABBOTT LABORATORIES and ABBOTT  
CARDIOVASCULAR SYSTEM, INC.,

Plaintiffs,

V.

JOHNSON AND JOHNSON, INC. and  
CORDIS CORPORATION,

Defendants,

C.A. No. 06-613-SLR

ABBOTT LABORATORIES and ABBOTT  
CARDIOVASCULAR SYSTEMS, INC.,

Plaintiffs,

$$V_r$$

JOHNSON AND JOHNSON, INC. and  
CORDIS CORPORATION,

Defendants.

C.A. No. 07-259-SLR

## STIPULATED ORDER

WHEREAS, on September 29, 2006, Plaintiffs filed the complaint in this Court seeking a declaratory judgment of noninfringement and invalidity for U.S. Patent Nos. 6,585,764 ("Wright 764 patent"), 6,808,536 ("Wright 536 patent") and 6,776,796 ("Falotico 796 patent") (C.A. No. 06-00613-SLR, D.I. 1) ("First Delaware Action");

WHEREAS, on May 15, 2007, U.S. Patent No. 7,217,286 ("the 7286 patent") issued from the United States Patent and Trademark Office ("Patent Office");

WHEREAS, on May 15, 2007, Plaintiffs filed a complaint in this Court seeking a declaratory judgment of noninfringement and invalidity for the 7286 patent (C.A. No. 07-00259-SLR, D.I. 1) ("Second Delaware Action"); and WHEREAS, Plaintiffs filed a motion in the alternative in the First Delaware Action either (a) to supplement the declaratory judgment complaint in the First Delaware Action to add the 7286 patent or (b) to consolidate the First Delaware Action and the Second Delaware Action (C.A. No. 06-00613-SLR, D.I. 43) ("First Motion to Supplement or Consolidate");

WHEREAS, on May 15, 2007 (according to Cordis) Defendant Cordis filed a complaint in the District of New Jersey against Plaintiffs for infringement of the 7286 patent (C.A. No. 07-02265-JAP, D.I. 1) ("First New Jersey Action");

WHEREAS, on May 18, 2007, Plaintiffs filed motions in the First Delaware Action and the Second Delaware Action to enjoin Defendants from proceeding with the First New Jersey Action (C.A. No. 06-00613-SLR, D.I. 47; C.A. No. 07-00259-SLR, D.I. 7) ("Motions to Enjoin");

WHEREAS, on May 29, 2007, U.S. Patent No. 7,223,286 ("the 3286 patent") issued from the Patent Office;

WHEREAS, on May 29, 2007, Plaintiffs filed motions in the First Delaware Action and the Second Delaware Action to supplement the declaratory judgment complaint to add the 3286 patent (C.A. No. 06-00613-SLR, D.I. 51; C.A. No. 07-00259-SLR, D.I. 10) ("Second Motions to Supplement");

WHEREAS, on May 29, 2007, Defendant Cordis filed a complaint in the District of New Jersey against Plaintiffs for infringement of the 3286 patent (C.A. No. 07-02477-JAP, D.I. 1) ("Second New Jersey Action");

WHEREAS, on June 12, 2007, U.S. Patent No. 7,229,473 ("the 473 patent") is scheduled to issue from the Patent Office;

WEHREAS, Plaintiffs intend to file motions on June 12, 2007 in the First Delaware Action and the Second Delaware Action to supplement the declaratory judgment complaint to add the 473 patent ("Third Motions to Supplement");

WHEREAS, Defendant Cordis intends to file a complaint on June 12, 2007 in the District of New Jersey against Plaintiffs for infringement of the 473 patent ("Third New Jersey Action");

WHEREAS, for the sake of efficiency and the convenience of the Court, the parties agree that Defendants should file a single set of answering papers and Plaintiffs should file a single set of reply papers in the First Delaware Action for the Motion to Supplement and Consolidate, the Second Motions to Supplement, and the Third Motions to Supplement, which answering papers and reply papers will be incorporated by reference in the Second Delaware Action;

WHEREAS, for the sake of efficiency and the convenience of the Court, the parties agree that the Motions to Enjoin should apply to the First New Jersey Action, the Second New Jersey Action, and the Third New Jersey Action;

WHEREAS, for the sake of efficiency and the convenience of the Court, the parties agree that Defendants should file a single set of answering papers and Plaintiffs should file a single set of reply papers in the First Delaware Action for the Motions to Enjoin, which answering papers and reply papers will be incorporated by reference in the Second Delaware Action;

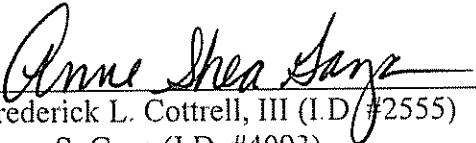
WHEREAS, the parties agree that the dates for answering the complaints or otherwise responding in the Second Delaware Action, the First New Jersey Action, the Second New Jersey Action, and the Third New Jersey Action should be extended by thirty (30) days;

IT IS HEREBY STIPULATED AND AGREED, subject to the approval and order of the Court, to the following:

- (a) the date for answering the complaint or otherwise responding in the Second Delaware Action shall be extended until July 5, 2007;
- (b) briefing on the Motion to Supplement and Consolidate, the Second Motions to Supplement, and the Third Motions to Supplement shall proceed as follows:
  - (i) Defendants shall file answering papers on June 13, 2007, in the First Delaware Action, which shall be incorporated by reference in the Second Delaware Action; and
  - (ii) Plaintiffs shall file reply papers on June 22, 2007, in the First Delaware Action, which shall be incorporated by reference in the Second Delaware Action;
- (c) the Motions to Enjoin shall apply to the First New Jersey Action, the Second New Jersey Action, and the Third New Jersey Action; and
- (d) briefing on the Motions to Enjoin shall proceed as follows:
  - (i) Defendants shall file answering papers on June 13, 2007, in the First Delaware Action, which shall be incorporated by reference in the Second Delaware Action; and

- (ii) Plaintiffs shall file reply papers on June 22, 2007, in the First Delaware Action, which shall be incorporated by reference in the Second Delaware Action.

RICHARDS LAYTON & FINGER

  
Frederick L. Cottrell, III (I.D. #2555)  
Anne S. Gaza (I.D. #4093)  
One Rodney Square  
920 North King Street  
P.O. Box 551  
Wilmington, DE 19899  
302-658-6541  
[cottrell@rlf.com](mailto:cottrell@rlf.com)  
[gaza@rlf.com](mailto:gaza@rlf.com)

*Attorneys for Plaintiffs*

ASHBY & GEDDES

*/s/ John G. Day*  
\_\_\_\_\_  
Steven J. Balick (I.D. #2114)  
John G. Day (I.D. #2403)  
Lauren E. Maguire (I.D. #4261)  
222 Delaware Avenue, 17<sup>th</sup> Floor  
P.O. Box 1150  
Wilmington, DE 19899  
302-654-1888  
[sbalick@ashby-geddes.com](mailto:sbalick@ashby-geddes.com)  
[jday@ashby-geddes.com](mailto:jday@ashby-geddes.com)  
[lmaguire@ashby-geddes.com](mailto:lmaguire@ashby-geddes.com)

*Attorneys for Defendants*

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Chief Judge